

Message Text

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ACTION AEC-11

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SUBJECT: US-PORTUGAL ATOMIC ENERGY AGREEMENT FOR COOPERATION

REF: (A) STATE A-631; (B) LISBON 4094, NOV. 8, 1973;

(C) STATE 215831, NOV. 1, 1973

SUMMARY: PORTUGUESE NUCLEAR ENERGY BOARD PROMISES REPLY ON
TECHNICAL QUESTIONS RAISED REF A WITHIN FEW DAYS. DEPART-
MENT AND USAEC SHOULD BE PREPARED FOR HIGH-LEVEL POLITICAL
DEMARCHE AIMED AT ELIMINATING FROM DRAFT AGREEMENT CLAUSE
ALLOWING TERMINATION OF AGREEMENT IN CASE OF FAILURE OF
IAEA SAFEGUARDS. END SUMMARY

2. EMBOFF PRESENTED MEMO CONTAINING POINTS RAISED REF A
TO PORTUGUESE NUCLEAR ENERGY BOARD (JEN) VICE PRESIDENT
SOEIRO DE BRITO JANUARY 29. SUBSEQUENT HOUR-LONG DISCUSSION
REVEALED GOP POSITION REMAINS SUBSTANTIALLY AS SET
FORTH IN NOV. 19, 1973 LETTER FROM JEN PRESIDENT
KAULZA DE ARRIAGA TO AEC INTERNATIONAL PROGRAMS DIRECTOR
FRIEDMAN, QUESTIONS OF PORTUGUESE LANGUAGE TEXT, MWE
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FIGURE FOR DRAFT ARTICLE IX, AND TERM OF AGREEMENT

(ARTICLE XV) PRESENT NO PROBLEM TO GOP; BRITO PROMISED FORMAL, DEFINITIVE REPLY SOON.

2. GOP POSITION ON ARTICLE XII, PARA C, HOWEVER, IS UNCHANGED. BRITO FEELS USG INTERPRETATION OF ITS OBLIGATION UNDER NPT ARTICLE III, PARA 2, TO EFFECT THAT USG MUST REFRAIN FROM SUPPLYING RELEVANT MATERIALS UNLESS THEY SUBJECT TO IAEA SAFEGUARDS, IS OPEN TO QUESTION; HE SUGGESTED THAT OTHER NPT SIGNATORIES CAPABLE OF PRODUCING ENRICHED URANIUM MIGHT WELL INTERPRET THEIR OBLIGATIONS DIFFERENTLY. BRITO PUSHED HARD FOR USG ACCEPTANCE OF TOTAL ELIMINATION OF PARA C, ARTICLE XII IN DRAFT TEXT, OR, AS FALLBACK, LANGUAGE SUGGESTED IN ANNEX TO KAULZA-FRIEDMAN LETTER MENTIONED ABOVE. (BRITO DRAFTED THAT LETTER AND HINTED THAT IT HAD RECEIVED HIGHEST LEVEL CLEARANCE.) CONTRARY TO SUGGESTION IN PARA 3 OF FRIEDMAN-KAULZA LETTER OF DECEMBER 11, GOP BELIEVES FAILURE OF IAEA SAFEGUARDS IS FAR FROM MERELY "THEORETICALLY CONCEIVABLE;" IT IS DISTINCT POSSIBILITY IN GOP EYES. IN FACT, BRITO ARGUED (PERHAPS EXCEEDING HIS BRIEF), GOP BELIEVES IT MUST TAKE INTO ACCOUNT POSSIBILITY OF PORTUGAL'S EXPULSION FROM IAEA: INTERNATIONAL ORGANIZATIONS ARE BECOMING LESS AND LESS RESPONSIBLE, AND PORTUGAL IS A FAVORITE TARGET. BRITO NOTED THAT EVEN WITH ABSOLUTELY COGENT ARGUMENTS, PERFECT LOGIC, AND POLITICAL MUSCLE, USG HAD FAILED PREVENT EXPULSION OF REPUBLIC OF CHINA FROM IAEA. PORTUGAL CANNOT THEREFORE BE EXPECTED TO PLACE THE FUTURE OF AN IMPORTANT PART OF ITS ENERGY SECTOR AT THE MERCY OF FUTURE CONTINGENCIES WITHIN IAEA, HE SAID.

3. BRITO TOLD EMBOFF THAT KAULZA HAD BRIEFED FOREIGN MINISTER PATRICIO CAREFULLY AND FULLY ON STATUS OF EXCHANGES AIMED AT NEW ATOMIC ENERGY AGREEMENT A FEW DAYS AGO. BRITO WAS UNSURE WHETHER NEXT COMMUNICATION FROM PORTUGUESE SIDE WOULD BE FROM JEN OR FROM FOREIGN MINISTRY, BUT SUGGESTED LATTER MORE PROBABLE. THE DIFFERENCE IS PRIMARILY A POLITICAL MATTER, NOT A TECHNICAL ONE, BRITO FEELS; IT SHOULD THEREFORE BE RESOLVED BY THOSE WHO SET INTERNATIONAL POLITICAL POLICY ON BOTH SIDES.

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4. BRITO SUGGESTED THAT MATTER MIGHT BE RAISED BY GOP WITHIN CONTEXT OF NEGOTIATIONS FOR RENEWAL OF US BASE RIGHTS IN AZORES; HE CLEARLY FAVORED THIS APPROACH. GIVING IN ON THIS QUESTION COULD BE PART OF PRICE FOR USG TENURE IN AZORES. EMBOFF SUGGESTED THAT OUR INTERNATIONAL NEGOTIATIONS ARE NORMALLY COMPLICATED AND DELAYED BY PROLIFERATION OF USG AGENCIES INVOLVED;

BRITO SAID "STATE DEPARTMENT CAN WORK THAT OUT."

5. BRITO AWARE THAT PROPOSED LANGUAGE OF ARTICLE XII IS STANDARD TEXT FOR SUCH AGREEMENTS; HE SPECIFICALLY CITED US-BRAZIL AND US-SPANISH AGREEMENTS. ARTICLE XII LANGUAGE WAS DRAFTED, HOWEVER, LONG BEFORE NPT AND IS UNSUITED FOR COUNTRIES LIKE PORTUGAL IN POST-NPT ERA. WHEN EMBOFF SUGGESTED THAT USE OF STANDARD LANGUAGE MIGHT FACILITATE SENATE APPROVAL OF TREATY, BRITO AGREED, BUT SUGGESTED APPROVAL SHOULD BE SOUGHT FOR NEW LANGUAGE ANYWAY.

6. TOWARD END OF DISCUSSION BRITO MUSED THAT GOP MIGHT END UP SIGNING TEXT WHICH INCLUDED PARA C, ART. XII, SINCE US NO LONGER SOLE POTENTIAL SUPPLIER OF ENRICHED URANIUM AND SINCE OTHER SUPPLIERS, NAMELY FRANCE, UK AND FRG, MIGHT CONCLUDE AGREEMENTS WITH PORTUGAL WITHOUT PARA C, ART. XII-TYPE PROVISION; THIS COULD ENSURE ALTERNATE SUPPLY IN EVENT GOP HAS DIFFICULTIES WITH IAEA.

7. BRITO SEES MODIFICATION OF DRAFT TEXT ALONG LINES PROPOSED KAULZA-FRIEDMAN LETTER AS IMPORTANT PRIORITY FOR PORTUGAL. EMBASSY EXPECTS HIGH-LEVEL POLITICAL DEMARCHE ON SUBJECT WILL BE MADE SOON.
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